

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA, CR 13-24-GF-BMM-01

Plaintiff,

vs.

JOURDEN JENSEN ST. MARKS,

Defendant.

**FINDINGS AND  
RECOMMENDATIONS TO  
REVOKE DEFENDANT'S  
SUPERVISED RELEASE**

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**I. Synopsis**

The United States of America accused Mr. St. Marks of violating his conditions of supervised release by committing another crime while under supervision and by consuming alcohol. Mr. St. Marks admitted to the violations. Mr. St. Marks' supervised release should be revoked. He should be placed in custody for six months, with thirty months of supervised release to follow.

**II. Status**

On May 7, 2013, Mr. St. Marks pleaded guilty to Assault resulting in Serious Bodily Injury. On August 15, 2013, United States Chief District Judge for the District of Montana, Dana L. Christensen sentenced Mr. St. Marks to thirty-three months of incarceration, with thirty-six months of supervised release to

follow. Mr. St. Marks's first period of supervised release began on September 4, 2015.

On July 29, 2016, the United States Probation file a Petition for Warrant for Offender Under Supervision alleging Mr. St. Marks had violated the terms of his supervised release by consuming alcohol and committing another crime while under supervision. (Doc. 43.) On August 3, 2013, Mr. St. Marks appeared for an initial appearance before the undersigned. Mr. St. Marks admitted to violating the terms of his supervised release. The undersigned scheduled a final hearing for October 4, 2016 and released Mr. St. Marks pending that proceeding.

### **Petition**

On September 20, 2016, the United States Probation Office filed a petition asking the Court to revoke Mr. St. Marks's supervised release. The Probation Office accused Mr. St. Marks of violating the conditions of his supervised release by consuming alcohol. (Doc. 51.) Based on the petition, United States District Judge Brian Morris issued a warrant for Mr. St. Marks's arrest. (Doc. 52.)

### **Initial appearance**

Mr. St. Marks appeared before the undersigned on September 29, 2016, in Great Falls, Montana, for an initial appearance. Federal Defender Evangelo Arvanetes accompanied him at the initial appearance. Assistant United States

Attorney Ryan Weldon represented the United States.

Mr. St. Marks said he had read the petition and understood the allegations. Mr. St. Marks waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned. The parties also agreed to dispose of all allegations against Mr. St. Marks during this proceeding. The hearing commenced.

### **Revocation hearing**

Mr. St. Marks admitted that he violated the terms of his supervised release. The admitted violations are serious and warrant revocation of Mr. St. Marks's supervised release.

Mr. St. Marks's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class C felony. He could be incarcerated for up to twenty-four months. The United States argued he could be ordered to remain on supervised release for thirty-six months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

Mr. Arvanetes requested a sentence in the low end of the guideline range. Mr. Weldon argued for a sentence of six months incarceration with thirty months of supervised release to follow.

### **III. Analysis**

Mr. St. Marks's supervised release should be revoked because he admitted violating its conditions. A sentence of six months incarceration, with thirty months of supervised release to follow, would be sufficient given the serious violation of the Court's trust, but it would not be greater than necessary.

### **IV. Conclusion**

Mr. St. Marks was advised that the above sentence would be recommended to Judge Morris. The Court reminded him of his right to object to these Findings and Recommendations within 14 days of their issuance. The undersigned explained that Judge Morris would consider Mr. St. Marks's objection, if it is filed within the allotted time, before making a final determination on whether to revoke Mr. St. Marks's supervised release and what, if any, sanction to impose.

The undersigned **FINDS:**

Jourden Jensen St. Marks violated the conditions of his supervised release by consuming alcohol and committing another crime while under supervision.

The undersigned **RECOMMENDS:**

The district court should enter the attached Judgment, revoking Mr. St. Marks's supervised release and committing Mr. St. Marks to the custody of the United States Bureau of Prisons for six months. He should be

sentenced to continued supervised release of thirty months. The same conditions of supervised release should be continued.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

Dated the 3<sup>rd</sup> day of October, 2016.

  
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John Johnston  
United States Magistrate Judge